IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.30133 of 2008
AMARNATH PRASAD @ AMARNATH
Versus
STATE OF BIHAR
---

4 23.09.2008 Heard.

The F.I.R. was registered under Section420 IPC and 63 of Copy Right Act, 157 with the allegation that on surprise raid, 36 pieces of auto parts, namely Oil filter and diesel filters said to have been manufactured by Motor Industry Company Ltd (MICO) were recovered from the shop of the petitioner.

Learned counsel for the petitioner submits that from the seizure-list it appears that out of five items of only two were of MICO and vide Annexure-3, petitioner had purchased these items from Shivam Tyre House vide envoice dated 24th November 2007. Learned counsel also submits that in this case, the time of recovery is at 1:05 P.M. which is even prior to the time of lodging of the FIR which is at 2:15 P.M. Learned counsel also submitted that the ingredients of Section 420 IPC as well as Section 63 of the Copy Right Act, 1957 are technically not applicable in this case. Further submission is that the petitioner is in custody since 16th June 2008. Learned counsel also

WEB COPY NOT OFFICIAL

submitted that the seizure witness are not independent and local witnesses but are employees of MICO Company or Police Officials.

Learned A.P.P. submits that local witnesses were not ready to sign the seizur-list, hence, witnesses of the Company or Police personnel became witnesses to the seizue. Learned counsel for the petitioner also produces the certified copy of the bal order dated 20th August 2008 as passed in Cr.Misc.No.28816 of 2008 and Cr.Misc.No. 29661 of 2008 whereunder co-accused Rajiv Kumar and Navanit Kumar Tiwary from whose possession similar items were recovered, have been allowed bail by a Bench of this Court. The case of the petitioner stands on similar footing.

WEB COPY NOT OFFICIAL

Under the circumstances, petitioner Amarnath Prasad @ Amarnath is admitted to bail on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada P.S.Case No. 130 of 2008.

Jay/ **(C.M.Prasad,J)**